

<b>TO: Mail Stop 8</b> <b>Director of the U.S. Patent &amp; Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been  
 filed in the U.S. District Court Northern District of California on the following ☒ Patents or ☐ Trademarks:

DOCKET NO. <b>CV 09-02180 EMC</b>	DATE FILED <b>5/18/09</b>	U.S. DISTRICT COURT <b>Northern District of California, San Francisco Division</b>
PLAINTIFF <b>APPLIED SIGNAL TECHNOLOGY, INC.</b>		DEFENDANT <b>EMERGING MARKETS COMMUNICATIONS, INC., ET AL.</b>
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 <b>6,859,641</b>		
2 <b>7,228,104</b>		
3		
4		
5		

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK
1	
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In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
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CLERK  <b>Richard W. Wieking</b>	(BY) DEPUTY CLERK  <b>Gloria Acevedo</b>	DATE  <b>May 20, 2009</b>
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Copy 1—Upon initiation of action, mail this copy to Commissioner    Copy 3—Upon termination of action, mail this copy to Commissioner  
 Copy 2—Upon filing document adding patent(s), mail this copy to Commissioner    Copy 4—Case file copy

COPY

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APPLIED SIGNAL TECHNOLOGY, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

APPLIED SIGNAL TECHNOLOGY, INC.

Plaintiff,

v.

EMERGING MARKETS COMMUNICATIONS,  
INC., PARADISE DATACOM, LLC, and  
VIASAT, INC.,

Defendants.

ORIGINAL FILE

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Richard W. Winkler  
Clerk, U.S. District  
Northern District of California  
San Jose

Case No. C 09 02180

COMPLAINT FOR PATENT  
INFRINGEMENT

DEMAND FOR JURY TRIAL

EMC

1 **COMPLAINT FOR PATENT INFRINGEMENT**

2 **PARTIES**

3 1. Plaintiff Applied Signal Technology, Inc. ("AST") is a corporation organized and  
4 existing under the laws of the State of California, having its principal place of business in  
5 Sunnyvale, California. AST is the owner of the patents at issue in this action.

6 2. On information and belief, Defendant Emerging Markets Communications, Inc.  
7 ("EMC") is a corporation organized and existing under the laws of the State of Delaware, having  
8 its principal place of business in Miami, Florida.

9 3. On information and belief, Defendant Paradise Datacom, LLC ("Paradise  
10 Datacom") is a corporation organized and existing under the laws of the State of Pennsylvania,  
11 having its principal place of business in State College, Pennsylvania.

12 4. On information and belief, Defendant ViaSat, Inc. ("ViaSat") is a corporation  
13 organized under the laws of the State of Delaware, having its principal place of business in  
14 Carlsbad, California.

15 **JURISDICTION AND VENUE**

16 5. This is an action for damages and injunctive relief based upon patent infringement  
17 arising under Title 35 of the United States Code.

18 6. Upon information and belief, Defendants have transacted business in this District,  
19 contracted to supply goods or services in this District directly or through their agents, and have  
20 otherwise purposely availed themselves of the privileges and benefits of the laws of the State of  
21 California. This Court has jurisdiction over Defendants because Defendants have committed acts  
22 of patent infringement during the course of their business in this District.

23 7. This Court has jurisdiction over the subject matter of this action pursuant to  
24 28 U.S.C. § 1331 and 28 U.S.C. § 1338.

25 8. Venue is proper in this District pursuant to 28 U.S.C. §§ 1400(b) and 1391.

26 **THE PATENTS IN SUIT**

27 9. On February 22, 2005, United States Patent No. 6,859,641 ("the '641 patent")  
28 entitled "Adaptive Cancellor for Frequency Reuse Systems" was duly and legally issued to

1 Glenn D. Collins, Don L. Anair, and Michael J. Ready. A true and correct copy of the  
2 '641 patent is attached hereto as Exhibit A to this Complaint.

3 10. On June 5, 2007, United States Patent No. 7,228,104 ("the '104 patent) entitled  
4 "Adaptive Cancellor for Frequency Reuse Systems" was duly and legally issued to  
5 Glenn D. Collins, Don L. Anair, and Michael J. Ready. A true and correct copy of the '104  
6 patent is attached hereto as Exhibit B to this Complaint.

7 11. AST is the assignee and owner of the '641 patent and '104 patents.  
8

9 **COUNT I**

10 **INFRINGEMENT OF THE '641 PATENT**

11 12. AST realleges and incorporates herein by reference the allegations contained in  
12 paragraphs 1-11.

13 13. On information and belief, EMC has infringed and continues to infringe; has  
14 induced and continues to induce others to infringe; and/or has committed and continues to  
15 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or  
16 more claims of the '641 patent. EMC's infringing activities in the United States and this District  
17 include the development, manufacture, use, importation, sale, and/or offer for sale of products,  
18 including but not limited to EMC's Noise Reduction System (NRS) products ("EMC's NRS  
19 products"), and inducing others to do the same. Such products have no substantial non-infringing  
20 use. EMC's infringing activities violate 35 U.S.C. § 271.

21 14. On information and belief, Paradise Datacom has infringed and continues to  
22 infringe; has induced and continues to induce others to infringe; and/or has committed and  
23 continues to commit acts of contributory infringement, literally or under the doctrine of  
24 equivalents, of one or more claims of the '641 patent. Paradise Datacom's infringing activities in  
25 the United States and this District include the development, manufacture, use, importation, sale,  
26 and/or offer for sale of products, including but not limited to the PCMA-70 Series Satellite  
27 Bandwidth Extender and the Quantum Series Satellite Modems, and inducing others to do the  
28

1 same. Such products have no substantial non-infringing use. Paradise Datacom's infringing  
2 activities violate 35 U.S.C. § 271.

3 15. On information and belief, ViaSat has infringed and continues to infringe; has  
4 induced and continues to induce others to infringe; and/or has committed and continues to  
5 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or  
6 more claims of the '641 patent. ViaSat's infringing activities in the United States and this District  
7 include the development, manufacture, use, importation, sale, and/or offer for sale of products,  
8 including but not limited to the VPCMA-70 Satellite Signal Cancellor, and inducing others to do  
9 the same. Such products have no substantial non-infringing use. ViaSat's infringing activities  
10 violate 35 U.S.C. § 271.

11 16. On information and belief, Defendants' direct, induced, and/or contributory  
12 infringement has been, and continues to be, willful and deliberate, and has caused substantial  
13 damage to AST.

14 17. On information and belief, Defendants' infringement in violation of the federal  
15 patents laws will continue to injure AST unless otherwise enjoined by this Court.

## 16 COUNT II

### 17 **INFRINGEMENT OF THE '104 PATENT**

18 18. AST realleges and incorporates herein by reference the allegations contained in  
19 paragraphs 1-17.

20 19. On information and belief, EMC has infringed and continues to infringe; has  
21 induced and continues to induce others to infringe; and/or has committed and continues to  
22 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or  
23 more claims of the '104 patent. EMC's infringing activities in the United States and this District  
24 include the development, manufacture, use, importation, sale, and/or offer for sale of products,  
25 including but not limited to EMC's NRS products, and inducing others to do the same. Such  
26 products have no substantial non-infringing use. EMC's infringing activities violate  
27 35 U.S.C. § 271.

1           20.     On information and belief, Paradise Datacom has infringed and continues to  
2 infringe; has induced and continues to induce others to infringe; and/or has committed and  
3 continues to commit acts of contributory infringement, literally or under the doctrine of  
4 equivalents, of one or more claims of the '104 patent. Paradise Datacom's infringing activities in  
5 the United States and this District include the development, manufacture, use, importation, sale,  
6 and/or offer for sale of products, including but not limited to the PCMA-70 Series Satellite  
7 Bandwidth Extender and the Quantum Series Satellite Modems, and inducing others to do the  
8 same. Such products have no substantial non-infringing use. Paradise Datacom's infringing  
9 activities violate 35 U.S.C. § 271.

10           21.     On information and belief, ViaSat has infringed and continues to infringe; has  
11 induced and continues to induce others to infringe; and/or has committed and continues to  
12 commit acts of contributory infringement, literally or under the doctrine of equivalents, of one or  
13 more claims of the '104 patent. ViaSat's infringing activities in the United States and this District  
14 include the development, manufacture, use, importation, sale, and/or offer for sale of products,  
15 including but not limited to the VPCMA-70 Satellite Signal Cancellor, and inducing others to do  
16 the same. Such products have no substantial non-infringing use. ViaSat's infringing activities  
17 violate 35 U.S.C. § 271.

18           22.     On information and belief, Defendants' direct, induced, and/or contributory  
19 infringement has been, and continues to be, willful and deliberate, and has caused substantial  
20 damage to AST.

21           23.     On information and belief, Defendants' infringement in violation of the federal  
22 patents laws will continue to injure AST unless otherwise enjoined by this Court.

23           24.     On information and belief, Defendants' direct, induced, and/or contributory  
24 infringement has been, and continues to be, willful and deliberate, and has caused substantial  
25 damage to AST.

26           25.     On information and belief, Defendants' infringement in violation of the federal  
27 patents laws will continue to injure AST unless otherwise enjoined by this Court.  
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1  
2 **PRAYER FOR RELIEF**

3 WHEREFORE, Plaintiff prays for judgment and relief as follows:

4 1. A judgment that Defendants have infringed, induced infringement of, and/or  
5 contributorily infringed, literally or under the doctrine of equivalents, the '641 patent, in violation  
6 of 35 U.S.C. § 271.

7 2. A judgment that Defendants have infringed, induced infringement of, and/or  
8 contributorily infringed, literally or under the doctrine of equivalents, the '104 patent, in violation  
9 of 35 U.S.C. § 271.

10 3. Preliminary and permanent injunctive relief enjoining Defendants, their officers,  
11 agents, servants, employees, attorneys, and all other persons in active concert or participation  
12 with them as follows:

- 13 a. from selling or offering to sell any product falling within the scope of the  
14 claims of the '641 and '104 patents;  
15 b. from importing any product into the United States falling within the scope  
16 of the claims of the '641 and '104 patents;  
17 c. from using any product falling within the scope of the claims of the '641 and  
18 '104 patents;  
19 d. from actively inducing others to infringe any claims of the '641 and  
20 '104 patents;  
21 e. from engaging in acts constituting contributory infringement of any of the  
22 claims of the '641 and '104 patents;  
23 f. from all other acts of infringement of any of the claims of the '641 and  
24 '104 patents;

25 4. A declaration that Defendants' infringement of the '641 and '104 patents was  
26 willful and deliberate and that this case is exceptional pursuant to 35 U.S.C. § 285;

27 5. An award of damages adequate to compensate AST for Defendants' infringement  
28 of the '641 and '104 patents;

- 1           6.     An award of treble damages resulting from Defendants' willful and deliberate  
2 infringement, and all other categories of damages allowed by 35 U.S.C. § 284;  
3           7.     An award of AST's costs, expenses, and attorneys' fee incurred in bringing and  
4 prosecuting this action, including pursuant to 35 U.S.C. § 285;  
5           8.     An award of pre-judgment interest; and  
6           9.     For such further relief as this Court deems AST may be entitled to in law and in  
7 equity.

8                                   **JURY DEMAND**

9           AST demand a jury trial on all issues triable to a jury in this matter.

10  
11     Dated: May 18, 2009

JAMES POOLEY  
L. SCOTT OLIVER  
MORRISON & FOERSTER LLP

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13  
14     By: \_\_\_\_\_

James Pooley

15                   Attorneys for Plaintiff  
16                   APPLIED SIGNAL TECHNOLOGY, INC.  
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